

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

ADEMILSON J. SMITH,

Petitioner,

v.

CHAE HARRIS,

Respondent.

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CASE NO. 4:17-CV-1034
OPINION AND ORDER

[Resolving Doc. [1](#)]

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

On March 20, 2017, Ademilson Smith filed a habeas corpus petition under 28 U.S.C. § 2254.¹ On October 7, 2019, Magistrate Judge George J. Limbert recommended that the Court deny the petition.² Magistrate Judge Limbert concluded that Petitioner failed to exhaust Grounds One, Three, and Four and that Ground Two is not cognizable.³

Magistrate Judge Limbert ordered the parties to file objections, if any, within fourteen days.⁴ Neither party objected, and the time to do so has expired.

Under the Federal Magistrates Act, a district court must conduct a *de novo* review of the objected-to portions of a Report and Recommendation.⁵ Absent objection, a district court may adopt the Report and Recommendation without review.⁶

Here, no party has objected to the Report and Recommendation, so this Court may adopt the Report and Recommendation without further review. Moreover, having

¹ Doc. 1. Respondent opposed. Doc. 9. Petitioner replied. Doc. 10.

² Doc. 11.

³ *Id.*

⁴ *Id.* at 25.

⁵ [28 U.S.C. § 636\(b\)\(1\)](#).

⁶ *Thomas v. Arn*, 474 U.S. 140, 149 (1985); [L.R. 72.3\(b\)](#).

conducted its own review of the petition and the record, the Court agrees that the petition must be denied.

Accordingly, the Court **ADOPTS** the Report and Recommendation and **DENIES** Petitioner's request for a writ of habeas corpus. Furthermore, no basis exists upon which to issue a certificate of appealability.⁷

IT IS SO ORDERED.

Dated: November 12, 2019

s/ *James S. Gwin*
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE

⁷ 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b).